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January 28, 2003

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band* – IB Docket No. 01-185

*Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems* -- ET Docket No 00-258 -- **NOTICE OF EX PARTE PRESENTATION**

Dear Ms. Dortch:

Yesterday, Karen Possner on behalf of BellSouth Corporation, Jay C. Keithley on behalf of Sprint Corporation, Joshua S. Turner of Wiley, Rein & Fielding on behalf of Nucentrix Broadband Networks, Inc., and the undersigned on behalf of the Wireless Communications Association International, Inc. ("WCA") met with Jennifer Manner, Senior Counsel to Commissioner Abernathy, to discuss proposals being considered for relocating the Multipoint Distribution Service ("MDS") from the 2150-2162 MHz band.

The MDS interests relayed how in November 2002, the Commission took the unprecedented step of announcing that MDS – a service that has already been subject to the auction process – would be relocated from the 2150-2162 MHz band to make way for a new Advanced Wireless Service ("AWS") in the 1710-1755/2110-2155 MHz band. They noted that the Commission took this action without identifying specific comparable spectrum to which MDS licensees could be relocated, without establishing a ~~firm~~ timeline for relocation and without providing absolute assurance that the costs of relocation would be borne by future AWS licensees. The MDS interests pointed out that certain of the proposals under consideration by the Commission for authorizing Mobile Satellite Service ("MSS") licensees to operate terrestrial facilities may, after due consideration is given to interference issues, effectively preclude the Commission from providing MDS with the comparable replacement spectrum to which licensees

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are entitled. They stressed that MDS has been involuntarily thrust into this spectrum version of musical chairs, where there are more claimants than spectrum and where there may be nothing left for MDS once the spectrum needs of others have been satisfied.

Pursuant to Section 1.1206 of the Commission's Rules, an original and three copies of this letter are being filed with your office for placement in the two referenced dockets. Please direct any questions regarding this submission to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Sinderbrand", written in a cursive style.

Paul J. Sinderbrand

cc: Jennifer Manner